

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Destiny Gray Brown  
19702 Mohawk  
Cleveland, OH 44119

Plaintiff,

-VS-

Forman Mills , Inc.  
1070 Thomas Busch Memorial Highway  
Pennsauken, New Jersey 08110

Defendant

) Case No.  
)  
) Judge:  
)  
) COMPLAINT  
)  
) JURY TRIAL DEMAND  
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I.

## PRELIMINARY MATTERS

1. Plaintiff, Destiny Brown brings this action against the defendant Forman Mills, Inc. who maintains a retail store in Maple Heights, Ohio, to recover for the damages she incurred as a result of the defendants actions and to enjoin said defendant from committing further acts of discrimination towards disabled individuals who frequent its retail stores in violation of the Public Accommodation Section of the American With Disability Act (hereinafter known as the ADA) 42 U.S.C. 126 et seq. as well as the Ohio Disability Laws R.C. 4112.01 et seq. prohibiting discrimination on the basis of disability in public accommodation facilities.

2. Jurisdiction of this court to hear and determine these claims is based on 28 U.S.C. 1331 and 1343.

3. A declaratory judgment is sought pursuant to 28 U.S.C. subsections 2201 and 2202.

4. Venue is proper in this court as all the acts complained of herein occurred within the jurisdiction of this court.

## **II.**

### **Count One**

#### **American with Disabilities Act**

5. Plaintiff adopts the preceding paragraphs as set out herein.

6. Plaintiff is a disabled person under the law suffering from extreme anxiety and Post Traumatic Stress Disorder among other conditions resulting from her service in the armed forces in both Afghanistan and Iraq.

7. The defendant owns and operates numerous apparel shops throughout the United States including its location in Maple Heights, Ohio, which are considered public accommodations under the law.

8. On or about May 9, 2019 plaintiff entered the defendant's Maple Heights store with her service and support animal (a dog) clearly identified as such, for the purpose of shopping for merchandise sold at the store.

9. Shortly thereafter the defendant's employees asked her to leave stating her dog was not allowed on the premises and she would therefore have to leave.

10. The plaintiff refused to leave noting the presence of the dog necessary for her well being, the it was not causing a disturbance or threatening other patrons as it was well trained, that it was wearing a vest identifying its role, and further because she believed she had the right to frequent the store with her dog pursuant to law.



11. When plaintiff refused to leave the premises, the local police were called and escort her out of the store to her great embarrassment and inconvenience.

12. As a result, the plaintiff suffered emotional damage and further aggravated her disabilities.

## II.

### Ohio Discrimination Statutes

13. Plaintiff adopts the previous paragraphs in this her Second Cause of Action.

14. Jurisdiction of this state law claim is invoked pursuant to 28 U.S.C 1367.

15. The acts which plaintiff complains of are also in violation of Ohio law prohibiting discrimination on the basis of person disability when frequenting a place of public accommodation.

16. Pursuant to 4112.99 the plaintiff is entitled to bring a civil action for damages, injunctive relief and any other appropriate relief where there is a violation of Chapter 4112 of the Ohio Revised Code.

17. Defendant's acts as set out herein were unlawful, malicious and in complete disregard of the plaintiff's rights.

WHEREFORE, plaintiff prays under Count I of the complaint, the court order injunctive relief preventing the defendants from violating the rights of disabled persons and allowing service animals to enter the store to aid a disabled person in the manner as set out herein; that she be awarded such other relief as she may be entitled under the law including reasonable attorney fees.

Under Count II she be awarded compensatory damages in the amount in excess of \$25,000.00 and punitive damages in the amount of \$100,000.00 as well as such other relief including attorney fees as she may be allowed under the law.

Respectfully submitted,

/s/ Alan I. Goodman

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JURY TRIAL DEMANDED

Plaintiff requests a jury trial on all questions of fact raised by her Complaint.

Respectfully submitted,

/s/ Alan I. Goodman

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